

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
CLEVELAND BROADNAX,	:
	:
Plaintiff,	:
	:
-against-	:
	:
WARDEN MICHELLE HALLET, et al.,	:
	:
Defendants.	:
	:
-----X	

21-cv-2926 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed the complaint in this action on April 5, 2021. (Doc. 2.) On October 1, 2021, the New York City Department of Correction filed a waiver of service of summons unexecuted for Defendants Hallet, Sanchez, Grant, Vincent, Sans, and Lubin. (Doc. 14.) The Department of Correction identified that Defendant Hallet was no longer an employee of the agency, there was no Deputy Sanchez at Anna M. Kross Center, there were no matches to Defendant Sans, and there was more than one Officer Grant, Vincent, and Lubin at Anna M. Kross Center. (*Id.*) On March 17, 2022, former Warden Hallet and the remaining defendants in this action filed an answer to the complaint. (Doc. 29.) To date, Defendants Sanchez, Grant, Vincent, Sans, and Lubin have not answered. On April 4, 2022, and again on May 9, 2022, I ordered Plaintiff to indicate whether he intended to dismiss those Defendants from the action or whether he required additional assistance to identify and locate those Defendants. (Doc. 31.) On May 23, 2022, Plaintiff filed a letter stating that he intends to continue the litigation against those Defendants and requested assistance identifying those Defendants. (Doc. 32.) Plaintiff offered additional information in his letter to identify and locate the Defendants who have not yet

responded to the complaint. (*Id.*)

Under *Valentin v. Dinkins*, a pro se litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint and in his recent letter, (Doc. 32), Plaintiff supplies sufficient information to permit the City of New York and Correctional Health Services to identify Defendants Sanchez, Grant, Vincent, Sans, and Lubin. Accordingly, it is hereby:

ORDERED that the City of New York and Correctional Health Services must ascertain the identity of Defendants Sanchez, Grant, Vincent, Sans, and Lubin and the addresses where these Defendants may be served. The City of New York and Correctional Health Services must provide this information to Plaintiff and the Court within sixty days of the date of this order.

IT IS FURTHER ORDERED that, within thirty days of receiving this information, Plaintiff must file an amended complaint fully naming those Defendants, if not already named. The amended complaint will replace, not supplement, the original complaint. The Clerk of Court is respectfully directed to mail a copy of this Order to pro se Plaintiff.

SO ORDERED.

Dated: May 24, 2022
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly stylized font. The first name "Vernon" is written with a large, looping 'V' and the last name "Broderick" is written in a similar cursive style.

Vernon S. Broderick
United States District Judge